

REMARKS

Claims 1-14 were pending. By way of the present amendment, claims 1-8 and 10 have been amended, claims 9 and 11-14 have been cancelled, and claims 15-32 have been added. Claims 1-8, 10, and 15-32 will be pending upon entry of this amendment. Applicants have further amended the pending claims to better recite the present invention. During the telephonic interview conducted on July 26, 2007, proposed claim amendments were discussed in view of the prior art of record. The Examiner indicated that the proposed amendments may overcome the art of record but presented another reference (Eisermann et al.), which is discussed below for consideration.

Application Support

Figs. 38A and 38B and paragraphs 122 and 123 provide, in part support for the claimed invention including grooves 202, coupling holes 212, and rod 220 having first, second, and center sections. Bone coupling assemblies are shown in Figs. 1-3 and 15. Paragraph 118 recites that “[t]he spiral grooves 202 have a width “w” between 0.1 and 0.5 mm”. Paragraph 120 recites that “In one embodiment, the diameter D of each tunnel 212 may be varied between 0.2 to 3 mm, depending the desired mechanical and structural characteristics.”

Prior Art

The Examiner had rejected the pending claims based on US Publication Number 2003/022064 to Ferree and US Patent Number 6,986,711 to Paul et al. Applicants respectfully contend that these references do not anticipate or make obvious the claims as amended and added. In particular neither the Ferree reference nor the Paul et al reference disclose a longitudinal rod including a plurality of surface grooves coupled by at least one surface hole where the hole has a

width at least twice the average of the coupled or joined grooves. These references do not disclose any such combination.

The Examiner also referenced US Patent No. 6,827,743 to Eisermann et al. during a telephonic interview conducted on July 26, 2007. In particular the Examiner referenced Fig. 8 of Eisermann. Eisermann, Fig. 8 discloses an implant 40 having a mesh portion 42 rolled about a bone fracture (A-B). The implant 40 further includes multiple spars 44a to 44f, which are described with reference to implant 30. The spars are stated to provide additional stiffness to the mesh portion and could be “stiff metal or plastic rods” See Col. 7, lines 20 to 27 in Eisermann. Accordingly Eisermann does not disclose or make obvious a rod having surface grooves coupled by a surface hole as recited by the claim invention. The spars 44a to 44f provide additional stiffness whereas the coupling holes of the present invention provide additional flexibility to the claimed rod. Applicants respectfully request reconsideration of the pending claims.

In view of the above, Applicants respectfully contend that the amended claims are allowable over the art of record. Applicants respectfully request the Examiner to contact the undersigned Attorney prior to the issuance of a prior art rejection.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 50-1119** referencing docket no. **559552000123**. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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